

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	:	Customer Number: 41552
	:	
Reed, John C.	:	Confirmation Number: 2174
	:	
Application No.: 10/030,497	:	Tech Center Art Unit: 1643
	:	
Filed: June 27, 2002	:	Examiner: Sang, Hong
	:	

For: A METHOD FOR DETERMINING THE PROGNOSIS OF CANCER PATIENTS BY
MEASURING LEVELS OF BAG EXPRESSION

**NOTICE OF APPEAL
FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically-
transmitted to the United States Patent and Trademark Office on
September 27, 2010.

/Ashley Campbell/

Ashley Campbell

Applicant hereby appeals to the Board of Appeals from the decision dated March 26, 2010 of the Primary Examiner finally rejecting claims 89, 90, 92, 95-101, 103, 106-110 and 114. A response to this Action was filed July 13, 2010 including a Petition for a One-Month Extension of Time. An Advisory Action issued August 5, 2010 indicating the response filed July 13, 2010 did not place the application in condition for allowance. Enclosed with this Notice of Appeal is a Petition for an additional Two Month Extension of time and authorization to pay the fee, thereby extending the deadline to Sunday, September 26, 2010. Pursuant to 35 U.S.C. §21, when the day, or the last day, for taking any action or paying a fee falls on Saturday, Sunday, or a Federal holiday, the action may be taken or fee paid on the next succeeding secular or business day. Therefore, this Notice of Appeal is due Monday, September 27, 2010. Accordingly, this Notice of Appeal is timely filed.

Appeal Fee: \$270.00



Charge to Deposit Account No. 502624.

Application No.: 10/030,497

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

/Michael L. Hebert/
Michael L. Hebert
Registration No. 63,329

11682 El Camino Real, Suite 400
San Diego, CA 92130
Phone: 858.720.3300 MLH:asc
Facsimile: 858.720.7800
Date: September 27, 2010

**Please recognize our Customer No. 41552
as our correspondence address.**